

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 666

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ATVS, UTVS, SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES; AMENDING SECTION 49-302, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM LICENSING FOR CERTAIN OPERATORS OF ATVS, UTVS, SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES, TO DEFINE A TERM AND TO PROVIDE FOR CERTIFICATES AND PROOFS OF COMPLETION OF CERTAIN SAFETY COURSES; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF SPECIFIED PROVISIONS OF LAW TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGHWAY VEHICLES AND MOTORBIKES; AMENDING SECTION 49-666, IDAHO CODE, TO PROVIDE FOR THE USE OF SAFETY HELMETS FOR CERTAIN OPERATORS OF SPECIALTY OFF-HIGHWAY VEHICLES AND SNOWMOBILES; AND AMENDING SECTION 67-7127, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE MOTORBIKE RECREATION ACCOUNT SHALL ALSO BE USED FOR THE SECURING OF LEASES, PERMITS OR FOR THE PURCHASE OF COUNTY-OWNED LAND FOR RECREATIONAL OFF-HIGHWAY VEHICLE ACTIVITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, canceled, revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement of husbandry when incidentally operated on a highway.

(2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a commercial motor vehicle which is:

(a) Controlled and operated by a farmer, including operation by employees or family members; and

(b) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier; and

(d) Used within one hundred fifty (150) miles of the person's farm.

(3) Any person is exempt from obtaining a class A, B or C driver's license for the operation of commercial motor vehicles which are necessary to the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations.

(4) Any person is exempt from obtaining a class A, B or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.

(5) A nonresident who is at least fifteen (15) years of age and who has in his immediate possession a valid driver's license issued to him in his

1 home state or country may operate a motor vehicle in Idaho only as a class D  
 2 operator with driving privileges restricted to daylight hours only except as  
 3 provided in section 49-307(9), Idaho Code, and with full privileges at six-  
 4 teen (16) years of age, and only if Idaho residency is not established.

5 (6) A nonresident who is at least fifteen (15) years of age and who has  
 6 in his possession a valid driver's license with a motorcycle endorsement or  
 7 who has a valid motorcycle driver's license issued to him in his home state or  
 8 country may operate a motorcycle in Idaho with driving privileges restricted  
 9 to daylight hours only, and with full privileges at sixteen (16) years of  
 10 age.

11 (7) A nonresident who has in his immediate possession a valid commer-  
 12 cial driver's license issued to him in his home state or country may operate a  
 13 motor vehicle in Idaho.

14 (8) A nonresident on active duty in the armed forces of the United  
 15 States who has a valid driver's license issued by his home jurisdiction,  
 16 and such nonresident's spouse or dependent son or daughter who has a valid  
 17 driver's license issued by such person's home jurisdiction.

18 (9) Any active duty military personnel, active duty U.S. coast guard  
 19 personnel, and members of the reserves and national guard on active duty in-  
 20 cluding personnel on full-time national guard duty, personnel on part-time  
 21 training and national guard military technicians who as civilians are  
 22 required to wear military uniforms and are subject to the code of military  
 23 justice, are exempt from obtaining a commercial driver's license to operate  
 24 military vehicles. This exemption does not apply to U.S. reserve techni-  
 25 cians.

26 (10) Any person with a valid driver's license issued in their name is ex-  
 27 empt from the requirement to obtain a motorcycle endorsement on the license  
 28 when operating a motorcycle on highways or sections of highways designated  
 29 for unregistered motorcycle use under section 49-426(3), Idaho Code.

30 (11) Any person under the age of sixteen (16) years when operating an  
 31 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or  
 32 state land where the road is not part of the highway system of the state of  
 33 Idaho or any ~~political subdivision thereof~~ local road management authority  
 34 when the person has successfully completed a state approved motorbike or ATV  
 35 safety course and is supervised by a licensed adult operator eighteen (18)  
 36 years of age or older, and the road is open for such use. For purposes of this  
 37 subsection, "supervised" means that the supervising adult must be in a posi-  
 38 tion, on another ATV, UTV, specialty off-highway vehicle or motorbike or, if  
 39 on the ground, in the proximity of the unlicensed operator, to provide close  
 40 support, assistance or direction to the unlicensed operator.

41 A certificate or proof of completion shall be in the possession of the  
 42 unlicensed operator of any ATV, UTV, specialty off-highway vehicle or mo-  
 43 torbike or present in the vehicle at all times when the vehicle is operated  
 44 within the state. The certificate or proof of completion shall be provided  
 45 for inspection to any peace officer upon request. No person shall be con-  
 46 victed of violating the provisions of this subsection if that person pro-  
 47 duces, at any time prior to conviction, the certificate or proof of comple-  
 48 tion of the required safety course where the certificate shows completion of  
 49 the course prior to the violation.

1       SECTION 2. That Section 49-426, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chap-  
4 ter with respect to operating fees shall not apply to:

5       (1) Motor vehicles owned or leased by the United States, the state, a  
6 city, a county, any department thereof, any political subdivision or munic-  
7 ipal corporation of the state, any taxing district of the state, any state  
8 registered nonprofit subscription fire protection unit, or any organiza-  
9 tion, whether incorporated or unincorporated, organized for the operation,  
10 maintenance, or management of an irrigation project or irrigation works or  
11 system or for the purpose of furnishing water to its members or shareholders,  
12 but in other respects shall be applicable.

13       (2) Farm tractors, implements of husbandry, those manufactured homes  
14 which qualify for an exemption under the provisions of section 49-422, Idaho  
15 Code, road rollers, wheel mounted tar buckets, portable concrete and/or mor-  
16 tar mixers, wheel mounted compressors, tow dollies, portable toilet trail-  
17 ers, street sweepers, and similar devices as determined by the department  
18 which are temporarily operated or moved upon the highways need not be reg-  
19 istered under the provisions of this chapter, nor shall implements of hus-  
20 bandry be considered towed units under registration of vehicle combinations  
21 as defined in section 49-108(2), Idaho Code. In addition, self-propelled  
22 wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf carts,  
23 lawn mowers, and scooters operated by persons who by reason of physical dis-  
24 ability are otherwise unable to move about as pedestrians shall be exempt  
25 from registration requirements under the provisions of this chapter. Mo-  
26 torcycles, motorbikes, utility type vehicles and all-terrain vehicles need  
27 not be licensed under the provisions of this chapter or registered pursuant  
28 to the provisions of section 67-7122, Idaho Code, if they are being used ex-  
29 clusively in connection with agricultural, horticultural, dairy and live-  
30 stock growing and feeding operations or used exclusively for snow removal  
31 purposes. Travel upon the public highways shall be limited to travel between  
32 farm or ranch locations. Motorcycles, motorbikes, utility type vehicles and  
33 all-terrain vehicles used for this purpose shall meet the emblem require-  
34 ments of section 49-619, Idaho Code.

35       (3) Any political subdivision of the state of Idaho may, but only af-  
36 ter sufficient public notice is given and a public hearing held, adopt local  
37 ordinances or resolutions designating highways or sections of highways un-  
38 der its jurisdiction which are closed to all-terrain vehicles, utility type  
39 vehicles, specialty off-highway vehicles and motorbikes licensed pursuant  
40 to this chapter and registered pursuant to section 67-7122, Idaho Code. The  
41 operation of licensed and registered all-terrain vehicles, utility type ve-  
42 hicles and motorbikes and those vehicles exempt from licensing and regis-  
43 tration pursuant to subsection (2) of this section shall not be permitted on  
44 controlled access highways. The requirements of title 18 and chapters 2, 3,  
45 6, 7, 8, 12, 13 and 14, title 49, Idaho Code, shall apply to the operation of  
46 any all-terrain vehicle, utility type vehicle or motorbike upon highways.  
47 Costs related to the posting of signs on highways or sections of highways  
48 that are closed to such vehicles, indicating the ordinance, are eligible for

1 reimbursement through the motorbike recreation account created in section  
2 67-7126, Idaho Code.

3 (4) The Idaho transportation board may designate sections of state  
4 highways over which all-terrain vehicles, utility type vehicles, specialty  
5 off-highway vehicles and motorbikes may cross. The requirements of title  
6 18, and chapters 2, 3, 6, 7, 8, 12, 13 and 14, title 49, Idaho Code, shall  
7 apply to the operation of all-terrain vehicles, utility type vehicles, spe-  
8 cialty off-highway vehicles and motorbikes when using designated crossings  
9 on state highways.

10 (5) All-terrain vehicles, utility type vehicles, specialty off-high-  
11 way vehicles and motorbikes may be used on highways located on state lands or  
12 federal lands which are not part of the highway system of the state of Idaho,  
13 provided the registration requirements of section 67-7122, Idaho Code, are  
14 met.

15 SECTION 3. That Section 49-666, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 49-666. MOTORCYCLE, MOTORBIKE, UTV, SPECIALTY OFF-HIGHWAY VEHICLE,  
18 SNOWMOBILE AND ATV SAFETY HELMETS -- REQUIREMENTS AND STANDARDS. No person  
19 under eighteen (18) years of age shall ride upon or be permitted to operate  
20 a motorcycle, motorbike, utility type vehicle, specialty off-highway  
21 vehicle, snowmobile or an all-terrain vehicle unless at all times when so  
22 operating or riding upon the vehicle he is wearing, as part of his motorcyc-  
23 cle, motorbike, UTV or ATV equipment, a protective safety helmet of a type  
24 and quality equal to or better than the standards established for helmets  
25 by the director, except the provisions of this section shall not apply when  
26 such vehicles are operated or ridden on private property, or when used as an  
27 implement of husbandry.

28 SECTION 4. That Section 67-7127, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 67-7127. USE OF MONEYS IN ACCOUNT. The board shall administer the mo-  
31 torbike recreation account. The moneys derived from this account shall be  
32 used as follows:

33 (1) For the securing of special leases or permits, or for the actual  
34 purchase of land under private, county, state or federal ownership to be used  
35 for recreational off-highway vehicle activity;

36 (2) For the securing, maintenance, construction or development of  
37 trails and other recreational facilities for off-highway vehicle use on  
38 state and federal lands;

39 (3) To finance the formulation and implementation under the board's di-  
40 rection of an off the road rider education program.

41 (4) To acquire applicable federal matching funds.